

E-FILED - 6/3/09

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RUBEN LOPEZ,)	No. C 08-2489 RMW (PR)
)	
Petitioner,)	ORDER OF DISMISSAL
)	
vs.)	
)	
EDMUND G. BROWN,)	
)	
Respondent.)	
_____)	

Plaintiff, proceeding pro se, filed a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On March 18, 2009, the court dismissed the petition because it both exhausted and unexhausted claims, but granted plaintiff thirty days to either amend the petition or request a stay of proceedings. The court notified petitioner that failure to respond within the designated time would result in a dismissal of the case. To date, no amendment has been received.

Accordingly, this case is DISMISSED without prejudice for failure to prosecute and to comply with a court order pursuant to Federal Rule of Civil Procedure 41(b). See Link v. Wabash R.R., 370 U.S. 626, 633 (1962); McKeever v. Block, 932 F.2d 795, 797 (9th Cir. 1991). The Clerk shall close the file and enter judgment in this matter.

IT IS SO ORDERED.

DATED: 6/3/09


RONALD M. WHYTE
United States District Judge